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US DISTRICT COURT E.D.N.Y.

★ FEB 09 2018 ★

BROOKLYN OFFICE

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

----- X  
ANOR ADI,

Plaintiff,

-against-

THE CITY OF NEW YORK,  
JARRED DEVITO (TAX 955876), and  
GREGORY ELZ (TAX 955900),

Defendants.  
----- X

STIPULATION AND  
ORDER OF  
SETTLEMENT OF  
ATTORNEY'S FEES,  
EXPENSES, AND COSTS

17-CV-1441 (ENV) (SMG)

WHEREAS, plaintiff Anor Adi commenced this action by filing a complaint on or about March 15, 2017, alleging that defendants City of New York, Officer Gregory Elz, and Officer Jarred Devito violated his federal civil and state common law rights; and

WHEREAS, defendant City of New York served plaintiff with an Offer of Judgment pursuant to Fed. R. Civ. P. 68 on December 1, 2017; and

WHEREAS, plaintiff accepted defendant City's Rule 68 Offer of Judgment on December 7, 2017; and

WHEREAS, all defendants deny any and all liability arising out of plaintiff's allegations; and

WHEREAS, plaintiff's counsel represents that plaintiff has assigned all of his rights to attorneys' fees, expenses, and costs to his counsel, Joshua Moskovitz, Esq.; and

WHEREAS, counsel for defendants and counsel for plaintiff now desire to resolve the issue of attorneys' fees, expenses, and costs without further proceedings;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the respective parties to the above-captioned action, as follows:

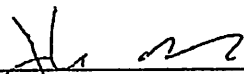
1. Defendant City of New York hereby agrees to pay plaintiff's counsel, Joshua Moskovitz, Esq., the total sum of THIRTEEN THOUSAND (\$13,000.00) DOLLARS in full satisfaction of plaintiff's claims for attorneys' fees, expenses, and costs. In consideration for the payment of THIRTEEN THOUSAND (\$13,000.00) DOLLARS, counsel for plaintiff agrees to release and discharge defendants City of New York, Officer Elz and Officer Devito; their successors or assigns; and all past and present officials, employees, representatives, and agents of the City of New York or any entity represented by the Office of the Corporation Counsel, from any and all claims of attorneys' fees, expenses, and costs that were or could have been alleged in the aforementioned action.

2. Counsel for plaintiff hereby agrees and represents that no other claims for attorneys' fees, expenses, or costs arising out of this action shall be made by or on behalf of plaintiff in any application for attorneys' fees, expenses, or costs at any time.

3. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules or regulations of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations, except to enforce the terms of this agreement.

4. This Stipulation and Order contains all the terms and conditions agreed upon by counsel for defendants and counsels for plaintiff hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of attorneys' fees, expenses, or costs shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

BERNSTEIN CLARKE & MOSKOVITZ  
*Attorneys for Plaintiff*  
11 Park Place, Suite 914  
New York, New York 10007

By:   
Joshua Moskowitz  
*Attorney for Plaintiff*

ZACHARY W. CARTER  
Corporation Counsel of the  
City of New York  
*Attorney for Defendants City of New York,  
Elz, and Devito*  
100 Church Street, 3<sup>rd</sup> Floor  
New York, New York 10007

By:   
Aimee Lulich  
*Assistant Corporation Counsel*

REIBMAN & WEINER  
*Attorneys for Plaintiff*  
26 Court Street, Suite 1808  
Brooklyn, New York 11242

By:   
Marc Reibman  
*Attorney for Plaintiff*

~~S~~ ORDERED:

/s/ USDJ ERIC N. VITALIANO

  
HON. ERIC N. VITALIANO  
UNITED STATES DISTRICT JUDGE

2/8/18

Dated: New York, New York  
Feb. 2, 2018